

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MOLLO FIGUEROA
[BZ-2095]

CIVIL ACTION

v.

FILED

JUL 30 2013

MICHAEL WERNEROWICZ, et al

MICHAEL C. RUNZ, Clerk
By _____ Dep. Clerk

NO. 13-2687

ORDER

AND NOW, this 29th day of July, 2013, upon consideration of the pleadings and the record herein, and after review of the Report and Recommendation of M. Faith Angell, United States Magistrate Judge, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED AND ADOPTED**.
2. Petitioner's Motion for Stay is **GRANTED**.
3. The Petition under 28 U.S.C. §2254 for Writ of Habeas Corpus by a Person in State Custody is **STAYED** and held in **ABEYANCE** until the conclusion of Petitioner's state court proceedings.
4. Petitioner shall return to federal court within thirty (30) days following the conclusion of his state court proceedings. If Petitioner does not return to federal court within thirty (30) days following the conclusion of his state court proceedings, this Stay and Abeyance Order is vacated and his petition is dismissed without prejudice.
5. Petitioner's Motion for Appointment of Counsel is **DENIED WITHOUT PREJUDICE** with leave to refile should conditions warrant it.

There is no probable cause to issue a certificate of appealability.

BY THE COURT:



PAUL S. DIAMOND, J.

ENTERED

JUL 30 2013

CLERK OF COURT